

DEC 08 2004



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FACSIMILE TRANSMITTAL SHEET

To: Examiner Joseph M. Pelham – Group Art Unit: 3742

FIRM/COMPANY: U.S. Patent and Trademark Office

FACSIMILE NUMBER: 703.872.9306

**CONFIRMATION
TELEPHONE:** 703.308.0858 (Receptionist) or
703.308.1709 (Examiner)

FROM: Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL: 415.371.2217

DATE: December 8, 2004

USER NUMBER: 5121

FILE NUMBER: Docket No. R0367-01601

**TOTAL # OF PAGES:
(INCLUDING COVERSHEET)** 7

MESSAGE: Attached is a Second Preliminary Amendment in connection with patent application Serial No. 10/658,911, filed September 10, 2003.

Please confirm receipt of this facsimile.

NOTE: Original will NOT follow

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*) Prior Application Examiner:
 For: **TISSUE SITE MARKERS FOR IN VIVO**) J. Pelham
IMAGING)
 Serial No.: 10/658,911) Prior Application Group Art
 Filed: September 10, 2003) Unit: 3742
 Atty. Docket No.: R0367-01601) **TRANSMITTAL**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 272-9306, addressed to Prior Application Examiner J. Pelham, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004, in San Francisco, CA.

Anne Marie Leavy

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is an Second Preliminary Amendment.

2. Claim Fee Calculation

No additional claim fee is required.

Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	3 - 3 =	0 x	\$44=	\$ 0
Total Claims	2202	15 - 20 =	0 x	\$9=	\$ 0

Total Fees Due \$-0-

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.

The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01601.

By:

Edward J. Lynch
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Prior Application Examiner: J. Pelham
 Burbank et al.)
 For: TISSUE SITE MARKERS FOR) Prior Application Group Art Unit: 3742
 IN VIVO IMAGING)
 Serial No.: 10/658,911)
 Filed: September 10, 2003) SECOND PRELIMINARY AMENDMENT
 Docket No.: R0367.01601)

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 351-9306, addressed to Prior Application Examiner J. Pelham,
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Anne Marie Leav

Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Please amend the above-identified application before examination as indicated
 below: